

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

BABY DOE, <i>et al.</i> ,	X	
	:	
Plaintiffs,	:	
	:	
v.	:	CIVIL ACTION NO. 3:22-CV-49-NKM-JCH
	:	
JOSHUA MAST, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	
	X	

PLAINTIFFS’ MOTION FOR LEAVE TO FILE SUR-REPLY
IN SUPPORT OF MOTION FOR SANCTIONS AS TO DEFENDANTS
JOSHUA MAST AND STEPHANIE MAST

Pursuant to Local Rule 11(c), Plaintiffs respectfully move for leave to submit the attached Sur-Reply in Support of Motion for Sanctions as to Defendants Joshua Mast and Stephanie Mast.

“The standard for granting a leave to file a sur-reply is whether the party making the motion would be unable to contest matters presented to the court for the first time in the opposing party’s reply.” *Vandelinde v. Priority Auto. Roanoke, Inc.*, 2021 WL 1113635, *5 (W.D. Va. Mar. 23, 2021) (citation omitted). “Generally, courts allow a party to file a sur-reply only when fairness dictates based on new arguments raised in the previous reply.” *Id.* (citation omitted).

Plaintiffs satisfy this standard here because they have identified new evidence rebutting the assertion of Joshua Mast and Stephanie Mast (“J&S Mast”) that they diligently, and in good faith, attempted to comply with the Court’s November 28, 2023 Order (ECF No. 326). Specifically, the evidence is a March 29, 2024 letter sent from the Department of Justice to J&S Mast’s counsel.

For these reasons, Plaintiffs respectfully request leave to file the attached Sur-Reply in Support of Motion for Sanctions as to Defendants Joshua Mast and Stephanie Mast.

April 2, 2024

Respectfully submitted,

/s/ Maya Eckstein

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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of April 2024, I filed the foregoing with the Court's electronic case-filing system, thereby serving all counsel of record in this case.

By: /s/ Maya Eckstein
Maya M. Eckstein (VSB No. 41413)